

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** ESAB AB  
**Serial Number:** 09/582003  
**Filed:** June 19, 2000  
**For:** WELDING APPARATUS  
**Docket Number:** 11412

**RENEWED REQUEST UNDER 37 CFR 1.497**

Assistant Commissioner of  
Patents and Trademarks  
Box PCT  
Washington, D.C. 20231

December 13, 2002

Sir:

This request is in response to your Petition Decision dated December 3, 2002. Applicant filed a Petition Under 37 CFR 1.182 to Correct Serial Number on Response and for Refund of Fee on November 27, 2002. With this petition applicant also submitted a Declaration of Inventorship and the \$130 fee for filing the petition. Copies of documents submitted on November 27, 2002 are attached.

Therefore, applicant respectfully requests a refund of the \$130 fee that was withdrawn from Deposit Account Number 04/2219.

Applicant further asserts that the declaration filed November 27, 2002 corrects the remaining defects noted in the December 3, 2002 Decision. Accordingly, Applicant requests examination of the application on the merits.

It is believed no fee is due at this time. However, please credit any over payment or debit any underpayment to deposit account number 4-2219, referencing our docket number 11412.

**RECEIVED**  
DEC 2002  
Legal Staff  
International Division


Respectfully submitted,

*Catherine L. Gemrich*

Catherine L. Gemrich  
Attorney Registration No. 50473  
Attorney for Applicant  
ORUM & ROTH  
53 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604-3606  
TELEPHONE: (312) 922-6262

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner of Patents and Trademarks, Washington, D.C. 20231, on December 13, 2002.



Chrissy Stein

ESAB AB  
Serial Number: 09/582,003  
Attorney Docket Number: 11412  
Page 1 of 2

FILED IN PATENT OFFICE

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** ESAB AB )  
 ) Attention: Cynthia M. Kratz  
**Serial Number:** 09/582,003 )  
 ) PCT Legal Office  
**Filed:** June 19, 2000 )  
 )  
**For:** WELDING APPARATUS )  
 )  
**Docket Number:** 11412 )

Repln. Ref: 03/05/2003 LLANDGRA 0010585200  
DAH:042219 Name/Number:09582003  
FC: 9204 \$130.00 CR

**PETITION UNDER 37 C.F.R. 1.182 TO CORRECT THE SERIAL NUMBER  
ON RESPONSE AND FOR REFUND OF FEE**

12/05/2002 GFREY1 00000082 09582003  
01 FC:1460 130.00 DP

Hon. Commissioner of  
Patents and Trademarks  
Box DAC  
Washington, D.C. 20231

Adjustment date: 03/05/2003 LLANDGRA  
12/05/2002 GFREY1 00000082 09582003  
01 FC:1460 -130.00 DP  
Sir:

November 27, 2002

Applicant petitions under 37 C.F.R. 1.182 to correct the Serial Number on the Response dated September 1, 2000 and for a refund of the fee related to the Petition to Revive.

The above identified application became abandoned for Applicant's purported failure to file a timely and proper response to a Notice or Action by the United States Patent and Trademark Office.

On July 12, 2000, the Patent and Trademark Office sent Applicant a Notification of Missing Requirements. On September 1, 2000, Applicant timely filed a Response to Notification of Missing Requirements and Assignment together with a check for \$280. The Serial Number on the response was listed as 09/582,005. As a result, the response was misfiled. The response was ultimately located in the file related to Application 09/582,005. On January 11, 2002, the Patent and Trademark Office sent a Notification of Abandonment based on Applicant's purported failure to respond to the Notification of Missing Requirements. On February 7, 2002, Applicant submitted a Petition to Withdraw Abandonment - which was denied. On April 3, 2002, Applicant filed a Petition for Revival enclosing a copy of the earlier filed response and cancelled check.

The response filed September 1, 2000 was filed with an incorrect Serial Number. The correct Serial Number is 09/582,003. Accordingly, Applicant respectfully requests that the

ESAB AB  
Serial Number: 09/582,003  
Attorney Docket Number: 11412  
Page 2 of 2

Serial Number on the Response to Notification of Missing Requirements and Assignment (a copy of which is enclosed herewith) be corrected to Serial Number 09/582,003.

In addition, because the Response to Notification of Missing Requirements was timely filed the application should not have become abandoned. Accordingly, Applicant requests a credit of the fee submitted with the Petition for Revival dated April 3, 2002 of \$1280 to Deposit Account Number 04-2219.

Enclosed please find a substitute Declaration of Inventorship and a Power of Attorney.

Please note, the Docket Number for the case changed from C36465 to 11412.

A check for \$130 to cover the Petition fee under 1.17(h) is enclosed.

The Commissioner is authorized to charge or credit Applicant's Deposit Account Number 04-2219 with any over or underpayment.

Respectfully submitted,

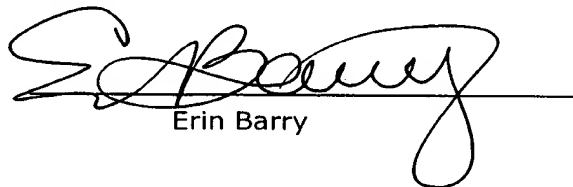


Catherine L. Gemrich  
Attorney Registration No. 50473  
Attorney for Applicant

DRUM & ROTH  
53 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604-3606  
TELEPHONE: (312) 922-6262

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being sent via facsimile to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on November 27, 2002.



Erin Barry

107.11412

**DECLARATION OF INVENTORSHIP AND POWER OF ATTORNEY  
FOR UNITED STATES PATENT OR DESIGN APPLICATION**

Attorney Docket No. C36465

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

WELDING APPARATUS

the specification of which

(check one) ☒ is attached hereto.

☐ was previously filed. U.S. serial number not yet available to applicant. A copy of the specification as filed is attached for identification purposes.

☐ was filed on \_\_\_\_\_ Attorney Docket No. \_\_\_\_\_

☐ was filed on \_\_\_\_\_ Under Application Serial No. \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information which is material to Patentability as defined in 37 CFR § 1.56.

I hereby claim the benefits under 35 USC § 119(e) of any United States application(s) listed below, or 35 USC § 172 of any foreign application(s) listed below.

Prior US Provisional or Foreign Application(s):

<u>APPLICATION NUMBER</u>	<u>COUNTRY</u>	<u>FILING DATE</u> (Day/Month/Year)

I hereby claim the benefit under 35 USC § 120 of any United States application(s) listed below, and any prior filed International application under 35 USC § 365 listed below, and so far as the subject matter of each of the claims of this application is not disclosed in the prior application, I acknowledge the duty to disclose to the Office information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the filing date of this application.

<u>APPLICATION NUMBER</u>	<u>FILING DATE</u> (Day/Month/Year)	<u>STATUS</u> (Patented, Pending, Abandoned)
PCT/SE98/02390	18 December 1998	Pending
97850179.9	19 December 1997	Pending

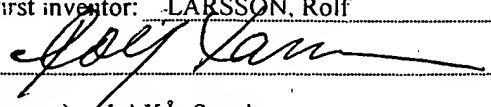
I hereby appoint the following attorney(s) and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: KEITH H. ORUM (33985), SUSAN M. KEATING (41887), ANDREW D. BABCOCK (44517), GEORGE F. DVORAK (17656).

Address all telephone calls and correspondence to:

ORUM & ROTH  
53 West Jackson Boulevard  
Chicago, Illinois 60604-3606  
Telephone No. 312 922 6262  
Fax No. 312 922 7747

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or first inventor: LARSSON, Rolf

Inventor's signature: 

Date: 15 August 2000

Residence (City & Country): LAXÅ, Sweden

Citizenship: Swedish

Post Office Address: Bäverstigen 14, SE-695 31 LAXÅ, Sweden

Full name of sole or second inventor: \_\_\_\_\_

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence (City & Country): \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Full name of sole or third inventor: \_\_\_\_\_

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence (City & Country): \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Full name of sole or fourth inventor: \_\_\_\_\_

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence (City & Country): \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Full name of sole or fifth inventor: \_\_\_\_\_

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence (City & Country): \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Full name of sole or sixth inventor: \_\_\_\_\_

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence (City & Country): \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Full name of sole or seventh inventor: \_\_\_\_\_

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence (City & Country): \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO. 09/582003	FIRST NAMED APPLICANT AB	ATTY. DOCKET NO. E C36465
ORUM & ROTH 53 WEST JACKSON BOULEVARD CHICAGO, IL 60604 3606		
INTERNATIONAL APPLICATION NO. PCT/SE98/02302		
I.A. FILING DATE 15 DEC 98		PRIORITY DATE 19 DEC 97
DATE MAILED: 12 JUL 2000		

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.  
☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 19 JUN 2000 and

☐ Information Disclosure Statement(s) filed and

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☐ Verified Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein

☐ Other:

RECEIVED

JUL 14 2000

ORUM & ROTH

RECEIVED  
SEP 18 2000  
TC 1700 MAIL ROOM

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed:

☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Winston M. Alvarado

Telephone: 703-305-6421